

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 9052 of 2005

Between:

V. Chaitanya Kumar, s/o S.Venkateswarlu,
Final MBBS Part-II, Regd.No.9904016,

Rangaraya Medical College, Kakinada,
East Godavari District.

..... PETITIONER

AND

1. N.T.R. University of Health Sciences, represented by its

Registrar, Vijayawada, Krishna District

2. The Vice Chancellor, NTR University of Health Sciences,

Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus to- i) declaring the proceedings issued by the 2nd respondent in No.EIC/04919/04, dated 27-1-2005 disqualifying me from appearing for any University examinations for September/October, 2004 as punishment for use of unfair means during examinations as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and contrary to the practice on record; consequently ii) set aside the said proceedings; by iii) directing the respondents to declare my results of the examinations appeared in October/November 2004 vide Hall Ticket No.9904016, Final MBBS PART-II and

allow me to continue further studies; and iv) pass such other order or orders as this Hon'ble Court deems fit, proper appropriate in the circumstances of the case.

Counsel for the Petitioner: MR.MD.SALEEM

Counsel for the Respondents: Mr. D.V. Nagarjuna Babu, S.C. for

N.T.R. University

The Court made the following:

ORDER:

-

This writ petition has been filed by V. Chaitanya Kumar with a prayer to declare the proceedings issued by the 2nd respondent in No.EIC/04919/04, dated 27.01.2005, disqualifying him from appearing for any University examinations for September/October, 2004 as punishment for use of unfair means during examinations as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice.

2. The petitioner is a student of Final M.B.B.S. and on 25.10.2004, while the petitioner writing Surgery Paper I examination, the flying squad visited the examination hall and found some irrelevant material with pencil writing on his Hall Ticket. The flying squad seized his Hall Ticket and handed over to the University. The petitioner was permitted to appear all the clinical examinations. A show cause notice was issued by the Deputy Registrar in Ref.No.E1(C)/0499 EXAMS/2004, dated 27.12.2004. The writ petitioner submitted a detailed explanation on 30.12.2004 stating that while preparing for examinations, he was in the habit of noting important points, but unknowingly his Hall Ticket was merged with rough papers and the rough was written on the Hall ticket with the pencil. His explanation was found to be not satisfactory and the impugned order came to be passed. Questioning the order passed by the respondents, the writ petition has been filed.

3. The learned counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by judgment dated 25.03.2005 rendered by a Division Bench of this Court in W.A.No.643 and 651 of 2005 (C. Sainath and NTR University of Health Sciences and another), and therefore, the impugned

order is liable to be set aside.

4 . This factual aspect is not controverted by the learned counsel for the respondents. Therefore, the writ petition deserves to be allowed.

5 . Accordingly, the writ petition is allowed and the impugned order dated 27.01.2005 passed by the 2nd respondent in proceedings No.E1(C)/04919/04, dated 27.1.2005 is set aside. The respondents are directed to declare the result of the petitioner. No order as to costs.

(B. SESHASAYANA REDDY, J)

Date: 29.06.2005

Ksn

This Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki , the Acting Chief Justice on this the 29th day of June, Two thousand and five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar, N.T.R. University of Health Sciences,
Vijayawada, Krishna District

2. The Vice Chancellor, NTR University of Health Sciences,
Vijayawada, Krishna District.

3. 2 CD copies

*Form-NIC-OGS/WP{**RS**}*